

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

CARL BRUCE FANNING and BRONDENA FANNING,

Plaintiffs,)

V.

**NATIONAL CARRIERS; BRUCE NORMAN,)
JR., and ALLSTATE INSURANCE)
COMPANY, INC.)**

Defendants.)

CASE NO.: 2.05CV12FC

NOTICE OF REMOVAL

COME NOW **National Carriers, Inc.**, and **Bruce Norman, Jr.**, ("Defendants"), defendants in the above-styled cause, and pursuant to 28 U.S.C. § 1441, file this Notice of Removal of this cause from the Circuit Court of Montgomery County, Alabama, to the United States District Court for the Middle District of Alabama, Northern Division.

As grounds for removal, the Defendants represent to the Court as follows:

1. This Court has jurisdiction of this cause pursuant to 28 U.S.C. §1332. Jurisdiction is based upon diversity of citizenship and amount in controversy. Defendant National Carriers, Inc., is a foreign corporation, being incorporated in the state of Kansas and having its principal place of business in Liberal, Kansas. (See, attached copy of Corporate Details from the Office of the Secretary of State for the State of Kansas, attached hereto as Exhibit “A”). Defendant Bruce Norman, Jr., is an individual residing in Oklahoma City, Oklahoma. (See, paragraph 4 of the Plaintiffs’ Complaint). Defendant Allstate Insurance Company is a foreign corporation, incorporated in the State of Illinois and with its principal place of business in Chicago, Illinois.

(See, attached copy of Corporate Details from the Office of the Secretary of State for the State of Alabama, attached hereto as Exhibit "B").

2. Plaintiffs are individual persons And husband and wife) residing in the City of Montgomery, in the State of Alabama.

3. Upon information and belief, the amount in controversy, exclusive of interest and costs, exceeds Seventy-Five Thousand Dollars (\$75,000.00).

4. Plaintiffs filed this action against the defendants on October 24, 2005 in the Circuit Court of Montgomery County, Alabama, a copy of the summons and complaint is attached hereto as Exhibit "C". The Complaint was served upon the Defendant National Carriers on October 31, 2005.

5. Pursuant to 28 U.S.C. § 1332(a)(1), this Court has original subject matter jurisdiction over this cause.

6. The removal of this cause to this Court is authorized and proper pursuant to 28 U.S.C. § 1441(a).

7. This removal is filed within 30 days of service of the complaint upon the Defendants, and is therefore timely under 28 U.S.C. § 1446(b).


8. Venue is proper herein pursuant to 28 U.S.C. § 1391(a).

9. Pursuant to 28 U.S.C. § 1446(d), Defendants have given written notice of the filing of this Notice of Removal to counsel for the plaintiffs. The Defendants have also filed a copy of said notice with the Clerk of the Circuit Court of Montgomery County, Alabama. See Exhibits "D" and "E".

WHEREFORE, THE ABOVE PREMISES HAVING BEEN CONSIDERED, the Defendants request this Court to make and enter the necessary and proper orders to effectuate a

removal of this cause from the Circuit Court of Montgomery County, Alabama, to the United States District Court for the Middle District of Alabama, Northern Division, and that no further or other proceedings shall be had with respect to this cause in the Circuit Court for Montgomery County, Alabama.

Dated this the 22nd day of November, 2005.




ROBERT C. BLACK, JR. (BLA 063)
Attorney for Defendants
National Carriers, Inc.
And Bruce Norman, Jr.

OF COUNSEL:

HILL, HILL, CARTER,
FRANCO, COLE & BLACK, P.C.
425 SOUTH PERRY STREET
POST OFFICE BOX 116
MONTGOMERY, ALABAMA 36101-0116
(334) 834-7600
(334) 832-7419 (telecopier)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon Jere L. Beasley, Esq., and Julia A. Beasley, Esq., BEASLEY, ALLEN CROW, METHVIN, PORTIS & MILES, P.C., Post Office Box 4160, Montgomery, Alabama 36103-4160, by placing a copy of the same in the United States Mail, postage pre-paid and properly addressed on this the 22nd day of November, 2005.



OF COUNSEL